

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

PAULA MATTHEWS

PLAINTIFF

v.

CIVIL ACTION NO.: 1:22-CV-00189-MPM-DAS

DOLGENCORP, LLC, et al

DEFENDANTS

ORDER

On December 5, 2022, plaintiff filed a motion to remand the above-entitled action to state court, and defendant Dolgencorp has neither responded to the motion nor sought additional time to do so. In her motion, plaintiff argues that the amount in controversy in this diversity action is below \$75,000, writing that:

Contrary to the Defendant's conclusory statement, there is absolutely nothing in the Plaintiff's Complaint that would suggest that Plaintiff is demanding damages in excess of \$75,000.00. Plaintiff's Complaint only seeks an unspecified amount of compensatory damages for a slip and fall incident. Plaintiff's Complaint does not seek punitive damages nor does Plaintiff's Complaint even go so far as to describe the Plaintiff's injuries as "severe" or "permanent."

In fact, on November 28, 2022, counsel for Defendant requested that Plaintiff submit a settlement demand in an effort to determine whether early settlement of this matter would be possible. In response to same, counsel for Plaintiff provided a copy of Plaintiff's medical records and bills – which total only approximately \$6,500.00 – along with a settlement demand in the amount of \$74,500.00 (an amount clearly below the jurisdictional threshold of this court).

[Exhibit B, Email dated Nov. 28, 2022.]

In sum, Defendant has failed to offer any evidence whatsoever to meet its burden of establishing, by a preponderance of the evidence, that the amount in controversy exceeds \$75,000.00 and, as such, this case should be remanded.

[Brief at 3-4].

Once again, defendant has offered this court no response in opposition to plaintiff's motion, and this court agrees with her that the amount in controversy requirement is not met in this case. The motion to remand will therefore be granted.

It is therefore ordered that the motion to remand is granted, and this case is hereby remanded to the Circuit Court of Lowndes County.

So ordered, this the 5th day of January, 2023



U.S. DISTRICT COURT